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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,763	10/24/2003	Matthias Bleeck	P7224.2US	2762
30008	7590	07/28/2004	EXAMINER	
GUDRUN E. HUCKETT DRAUDT LONSSTR. 53 WUPPERTAL, 42289 GERMANY			HOOK, JAMES F	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/605,763

Applicant(s)

BLEECK ET AL.

Examiner

James F. Hook

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13 and 15-22 is/are rejected.
- 7) ☒ Claim(s) 10 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file, however, the copy received does not have a cover sheet that contains the number set forth in the declaration so that the examiner can clearly see that the provided certified copy is in fact a certified copy of the same document recited in the declaration when there is no clear connection between what was supplied and what is being claimed. If applicant can supply some proof that the provided priority document is in fact the priority document having the number recited in the declaration such would be sufficient.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, and 15-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Starr. The patent to Starr discloses the recited compensation device for compensating a volumetric expansion of a medium, where the use of such during freezing is considered merely intended use where the apparatus of Starr is capable of handling

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volumetric expansion of a medium during freezing, comprising a receptacle formed in a structural component configured to contain a medium, a sealing element 104 in the form of a piston which delimits the receptacle, the piston is prestressed by a prestressing force provided against the operating pressure of the medium and is in the form of spring 140 which contacts the piston and a lid 130 provided in the end of the receptacle, the piston is provided with at least one sealing ring 122 that seals against the inner wall of the receptacle, a stop 103 is provided in the structural component to limit the movement of the piston resulting from the prestressing force, the stop is a shoulder surface on the inner wall of the receptacle, the receptacle has a first section 70A of a smaller diameter than a second section 102 where the shoulder is formed between the two sections where they meet, the piston is in the second section, where the use of such with a urea-water solution is considered merely intended use where the article is capable of use with any liquid medium.

Claims 1-5, 7-9, 11-13, 15, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Drumm (051). The patent to Drumm discloses the recited compensation device for compensating a volumetric expansion of a medium, where the use of such during freezing is considered merely intended use where the apparatus of Drumm is capable of handling volumetric expansion of a medium during freezing, comprising a receptacle formed in a structural component configured to contain a medium, a sealing element in the form of a bellows (see fig. 3) which delimits the receptacle, the sealing element is prestressed by a prestressing force provided against the operating pressure of the medium and is in the form of spring which contacts a

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piston 35 and a lid 15 provided in the end of the receptacle, the piston is provided within a sleeve 34 and contacts the end of the sealing element (bellows), a stop is provided on the wall of the sleeve and contacts a portion of the piston to limit the movement of the piston, the piston extends past the sleeve, the sleeve has a holding part in the form of a radially outward section which engages a connector in the lid 15 and is considered a flange, the sealing element is secured to the lid 15 in a position that is between the inner wall of the receptacle and the sleeve, the sealing element is seen to be connected to the lid by an outward flange which is remote to the rest of the bellows portion, the sealing element is considered the equivalent of a piston in that end face 16 acts as a piston held by the bellows portion and a seal can be seen in between corrugations of the bellows sealing against the inner wall of the receptacle, where the use of such with a urea-water solution is considered merely intended use where the article is capable of use with any liquid medium.

Claims 1, and 15-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Patterson. The patent to Patterson discloses the recited compensation device for compensating a volumetric expansion of a medium, where the use of such during freezing is considered merely intended use where the apparatus of Patterson is capable of handling volumetric expansion of a medium during freezing, comprising a receptacle formed in a structural component configured to contain a medium, a sealing element 62 in the form of a piston which delimits the receptacle, the piston is prestressed by a prestressing force provided against the operating pressure of the medium and is in the form of spring 102 which contacts the piston and a lid 94 provided in the end of the



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receptacle, the piston is provided with at least one sealing ring 90 that seals against the inner wall of the receptacle, a stop 54 is provided in the structural component to limit the movement of the piston resulting from the prestressing force, the stop is a shoulder surface on the inner wall of the receptacle, the receptacle has a first section near 58 of a smaller diameter than a second section 42 where the shoulder is formed between the two sections where they meet, the piston is in the second section, where the use of such with a urea-water solution is considered merely intended use where the article is capable of use with any liquid medium.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Drumm (051). The patent to Drumm discloses all of the recited structure with the exception of forming the flange on the sleeve as an inward flange to stop the piston, however, such is considered merely a reversal of parts where it would require routine skill in the art by a skilled artisan to reverse the manner in which the sleeve contacts and limits the piston as such is merely a reversal of parts and a choice of mechanical expedients. It would have been obvious to one skilled in the art to reverse the direction the flange stop of the sleeve in Drumm extends to restrain motion of the piston as such is merely a reversal of

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parts requiring only routine skill in the art, and such is also merely a choice of mechanical expedients.

***Allowable Subject Matter***

Claims 10 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

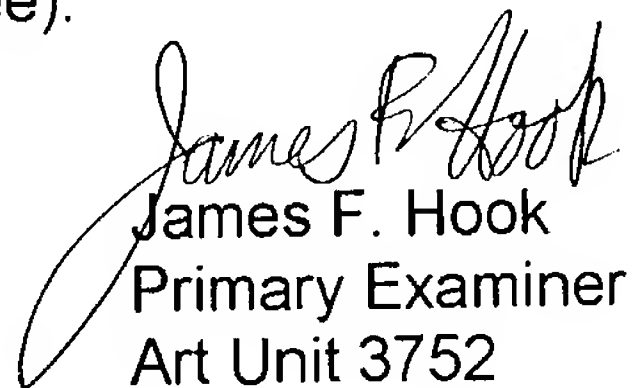
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Jonsson, Crowe, Yost, Bettcher, Bach, Muzechuk, Pirkle, Mohr(719 and 247), and Weber disclosing state of the art compensation devices for volumetric expansions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (703) 308-2913. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James F. Hook  
Primary Examiner  
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JFH